

**REMARKS**

Claims 23-43 are pending in the present application. Claims 1-22 have been cancelled, claim 23 has been amended, and claims 42-43 have been added as a result of this response. Claims 23, 42, and 43 are independent claims.

**PERSONAL INTERVIEW OF JANUARY 21, 2004**

Initially, Applicants would like to thank Examiner Nguyen and Examiner Ni for taking the time to conduct a Personal Interview with Applicant's representative on January 21, 2004. Applicants believe that the enclosed Amendments are consistent with the Personal Interview. Accordingly, Applicants believe that claims 23-43 are now in condition for allowance.

**35 U.S.C. §103(A) LOEPPERT REJECTION**

Claims 23-41 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,870,482 to Loeppert et al. This rejection, insofar as it pertains to the presently pending claims, is respectfully traversed for the following reasons.

Applicants respectfully submit that independent claim 23 has been amended to further clarify that an inner surface of the back-plate and an inner surface of the diaphragm are provided with the hydrophobic layer. This feature is neither taught nor suggested by Loeppert et al.

Loeppert et al. discloses a condenser microphone having small dimensions and being provided with openings in the back-plate and/or the diaphragm. Loeppert et al. does not disclose the presence of a hydrophobic layer on the inner surfaces of the back-plate and the diaphragm. Furthermore, Loeppert et al. relates to problems with stress in microphones, and does not address problems related to stiction. The skilled person is therefore not pointed in the direction of

modifying the condenser microphone of Loeppert et al. by providing a hydrophobic layer in order to overcome such stiction problems.

Accordingly, Applicants respectfully submit that independent claim 23 is allowable over Loeppert for at least this reasons. Applicants further respectfully submit that dependent claims 23-41 are allowable by virtue of their dependency on allowable independent claim 23, for at least the reasons set forth above.

Applicants also have presented new claim 42 which is directed to a condenser microphone including a diaphragm and a back-plate, wherein at least one of the inner surface of the back-plate and the diaphragm is provided with a hydrophobic layer having a contact angle for water larger than 90°. Loeppert et al. does not disclose the presence of a hydrophobic layer on either of the inner surface of the back-plane or the diaphragm, where the hydrophobic layer has a contact angle for water larger than 90°. Accordingly, Applicants respectfully submit that independent claim 42 is allowable for at least this reason.

Applicants have also submitted new independent claim 43, which recites a condenser microphone including a diaphragm, a back-plate, and a hydrophobic layer. Applicants respectfully assert that Loeppert does not disclose the presence of a separate hydrophobic layer provided on an inner surface of either the back-plate or the diaphragm. Accordingly, Applicants respectfully submit that independent claim 43 is allowable over Loeppert for at least this reason.

### **CONCLUSION**

In view of the above amendments and remarks, reconsideration of the rejection and allowance of each of claims 23-43 is respectfully requested.

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicant(s) hereby petition(s) for a one (1) month extension of time for filing a reply to the outstanding Office Action and submit the required \$110.00 extension fee herewith.

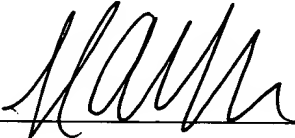
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John A. Castellano at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY, & PIERCE, P.L.C.

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